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Audrey A. Boyd

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Attorney Docket No. P32145C1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hossner et al.

Serial No.: 10/801,510

Group Art Unit No.: 1624

Filed: March 16, 2004

Examiner: K. Habte

For: 3,4-DIHYDRO-N-[[1-(3-HYDROXYBUTYL)-4-PIPERIDINYL]METHYL]-
2H-[1,3]OXAZINO[3,2-A]INDOLE-10-CARBOXAMIDE AS 5-HT(4)
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

This paper is in response to the Restriction Requirement mailed February 25, 2005,
having a shortened statutory period for reply of 1 month. Claims 1-9 are pending in the
application. Claims 1-9 are subject to a restriction requirement and/or election requirement.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I. Claims 1-6, drawn to [1,3]oxazino[3,2-a]indole compounds,
composition and method of making, classified in class 544,
subclass 89.

Group II. Claims 7-9, drawn to a method of use (i.e. treatment of IBS,
gastro-oesophageal reflux, dyspepsia, atrial arrhythmias, stroke,
anxiety, migraine, gastrointestinal disorders, cardiovascular
disorders and CNS disorders, classified in class 514, subclass
various.

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REMARKS

Applicants wish to make a provisional election of Group I, claims 1-6, with traverse.

In addition, Applicants retain the right to file divisional applications directed to the non-elected subject matter should the restriction requirement become final. Authorization is hereby granted to charge any fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 19-2570.

Respectfully submitted,



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